

Submitting Counsel Listed on Signature Pages

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION,

Case No. 3:23-md-03084-CRB

**JOINT STATEMENT CONCERNING
PAGE AND/OR NUMBER LIMITS ON
MOTIONS IN LIMINE**

This Document Relates to:

ALL ACTIONS

Judge: Hon. Charles R. Breyer
Courtroom: 6 – 17th Floor

Pursuant to the Court’s November 7, 2025 Modified Pretrial Order No. 34: Pretrial Mechanics for the Dean Case (ECF No. 4332), Plaintiffs and Defendants Uber Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC (together, “Defendants” or “Uber”), hereby submit their respective positions concerning page and/or number limits on motions in limine.

Plaintiffs’ Position

The Court should order that each side may file up to 25 total pages of motions in limine.

Uber seeks 70 total pages to file upwards of 30 motions. Even if this proposal were reasonable in a vacuum (as explained below, it’s not), it is unworkable in the circumstances of this case. The Court’s default rules provide for seven days to respond to motions in limine. The parties are discussing the schedule now, but even with a limited extension of time, how the parties are supposed to reasonably respond to 70 pages of motions on such a short timeframe is unaddressed. More importantly, it also appears unworkable for the Court to review and decide *140 total pages* of motions in limine when the briefing will close—at best—a week before the pretrial conference. This is on top of hundreds of pages summary judgment and *Daubert* briefing that will need to be decided at the same time.

Regardless, Uber’s proposal is unreasonable and unwarranted. The Court discourages motions in limine and requires that they be limited “to circumstances that really need a ruling in advance” (and presumptively limits MILs to five per side). *See* Civil Jury Trial Standing Order at 2. Uber disregards this guidance. Further, its reference to the Court’s Standing Order permitting 35 total pages is inapplicable. Plaintiffs agreed to remove the cap on the number of motions in limine (beyond the Court’s presumptive five) for each party, but that does not mean 33 motions (the number of motions that Uber proposes) warrants 70 pages per side. Efficiency favors fewer motions, not more. Indeed, many of Uber’s proposed motions concern broad, amorphous categories of evidence, including “Advertising or Marketing” and “Reptile Arguments.” This is improper and inefficient: “Motions in limine that seek exclusion of broad and unspecific categories of evidence ... are generally disfavored” because courts are “better situated during the actual trial to assess the value and utility of evidence,” instead of “tackling the matter in a

vacuum.” *Espinoza v. Sniff*, 2015 WL 12660410, at *1 (C.D. Cal. May 11, 2015) (citation omitted).

Uber argues that “briefing will allow the Court to rule on evidentiary issues with more context than would be available in hasty sidebars.” But such evidentiary issues (more often than not) will need to be viewed in the context of the evidence actually presented at trial. To the extent that the Court can even offer rulings on such motions, those rulings have limited utility because they are “essentially [] preliminary.” *City of Pomona v. SQM N. Am. Corp.*, 866 F.3d 1060, 1070 (9th Cir. 2017) (citation omitted). The Court “may change its ruling at trial because testimony may bring facts to the ... court’s attention that it did not anticipate at the time of its initial ruling.” *Id.* Finally, Uber argues that the depositions in this case include objectionable questions, but Uber will have a distinct opportunity to object to any deposition testimony to be played to the jury.

In the *JUUL* MDL, for example, Judge Orrick allotted 30 pages per side covering both generic and case-specific issues, in a case where the defense included two independent corporations. *See In re: JUUL Labs, Inc., Mkt., Sales Prac., & Prods. Liab. Litig.*, 19-md-2913, ECF 2850 (N.D. Cal. Feb. 8, 2022). Here, 25 pages is sufficient.

Uber has not demonstrated good cause to justify 140 total pages of motions in limine. The Court should reject Uber’s request in favor of Plaintiffs’ more reasonable position, which is consistent with the Court’s Standing Order and prior guidance, and avoids squandering judicial resources. Given the significant gap between the parties’ positions, and Uber’s patently unreasonable approach, the Court should employ “baseball arbitration” rules and pick the proposal that is most reasonable—Plaintiffs’ proposal.

Defendants’ Position

The Court’s Guidelines for Civil Jury Trials permit motions and oppositions of “no more than 7 pages” and state that “[u]sually five or fewer motions per side is sufficient. . . . Advance permission is required for more or longer motions.” Thus, the Guidelines suggest a default limit of 35 pages of motion in limine briefing per side in the average case. *Dean*, however, is not the average case; it is the first bellwether trial in a large-scale multi-district litigation proceeding that has involved dozens of depositions and millions of pages of documents. Given the significant number

1 of evidentiary issues that have not yet been considered by the Court, many of which will apply in
2 subsequent cases, Uber requests permission to file up to 70 pages of motions in limine in total.
3 There is good cause for such an extension.

4 **First**, fairness requires that Uber have the ability to present the many evidentiary issues
5 raised by this litigation to the Court. In the first bellwether case in the JCCP proceeding, the parties
6 extensively briefed motions in limine, and Judge Schulman ruled on 30 motions in limine filed by
7 Uber that totaled approximately 60 pages. A slightly increased page limit is appropriate here given
8 the significant number of highly inflammatory questions and topics raised by the MDL plaintiffs at
9 the depositions of Uber witnesses, which included inquiries into a host of irrelevant and unfairly
10 prejudicial subjects with no bearing on the allegations at issue in *Dean*. And, while Plaintiffs urge
11 the Court to follow the approach to motions in limine taken in the *JUUL* MDL proceeding, Judge
12 Schulman's assessment of the appropriate length of motion in limine filings in an Uber proceeding
13 is far more relevant (and, in any event, the *JUUL* court allowed more pages for motions in limine
14 than Plaintiffs seek here).

15 **Second**, addressing evidentiary questions prior to trial will promote efficiency and trial
16 management. This is particularly true with respect to Plaintiff's case, the length of which will be
17 affected by the scope of the internal Uber documents and witness testimony on ancillary topics that
18 Plaintiff is permitted to present to the jury. In addition, with the benefit of the Court's fulsome pre-
19 trial review of motions in limine, Uber will be able to limit its objections to Plaintiff's evidence,
20 resulting in fewer interruptions of Plaintiff's presentation on evidentiary grounds, and a more
21 streamlined presentation for the jury. Uber also respectfully submits that briefing will allow the
22 Court to rule on evidentiary issues with more context than would be available in hasty sidebars.

23 **Third**, Plaintiff's position that the Parties should be limited to 25 pages of briefing on
24 motions in limine is illogical and would only serve to prolong the trial. As noted above, Plaintiff's
25 proposal would allow the Parties **10 pages less** than what is permitted in the average case to address
26 significant evidentiary issues that are being raised for the first time in an MDL proceeding. Further,
27 a 25-page limit on motions in limine would make it virtually impossible for the Parties to adequately
28 explain the relevant evidentiary issues to the Court, limiting the Court's ability to make informed

1 pre-trial rulings. This will inevitably result in the Parties having to argue countless evidentiary
 2 objections as they arise during the course of the trial, interrupting the flow of the trial presentation
 3 and inevitably prolonging the trial.

4 While Plaintiff's counsel asserts that Uber's motions in limine should be limited to 25 pages
 5 total because Plaintiff will have only seven days to oppose them (and the Court will have only a
 6 week to decide them), Uber is happy to meet and confer with Plaintiff's counsel to agree on a
 7 schedule that allows the Parties additional time to respond to motions in limine without affecting
 8 the trial schedule. Further, Plaintiff ignores that Uber's motions will be very brief—limited to two
 9 to three pages at most—and therefore will not warrant lengthy responses. The purpose of these
 10 motions is to avoid the need for long sidebars during the presentation of evidence to explain
 11 evidentiary disputes with which the Court has no prior familiarity. Finally, Uber's motions in limine
 12 will not address broad categories of evidence not tethered to the *Dean* case, contrary to Plaintiff's
 13 suggestion. While the titles of certain motions appear broad, each is targeted to specific evidence
 14 and argument that Plaintiff is likely to raise at the *Dean* trial based on the record to date and the
 15 prior trial.

16 For all of these reasons, Uber respectfully requests that the Court allow the Parties to file
 17 motion in limine briefing that does not exceed 70 pages in total.

18 Dated: November 24, 2025

Respectfully submitted,

19 By: /s/ Roopal P. Luhana

20 Roopal P. Luhana (Admitted *Pro Hac Vice*)

CHAFFIN LUHANA LLP

21 600 Third Avenue, Floor 12

New York, NY 10016

22 Telephone: (888) 480-1123

23 luhana@chaffinluhana.com

24 Sarah R. London

GIRARD SHARP LLP

25 601 California St., Suite 1400

San Francisco, CA 94108

26 Telephone: (415) 981-4800

27 slondon@girardsharp.com

28 Rachel B. Abrams (SBN 209316)

PEIFFER WOLF CARR KANE

1 CONWAY & WISE, LLP
2 555 Montgomery Street, Suite 820
3 San Francisco, CA 94111
4 Telephone: (415) 426-5641
5 rabrams@peifferwolf.com

6 *Co-Lead Counsel for Plaintiffs*

7 By: /s/ Laura Vartain Horn
8 Laura Vartain Horn (SBN 258485)
9 **KIRKLAND & ELLIS LLP**
10 555 California Street, Suite 2700
11 San Francisco, CA 94104
12 Telephone: (415) 439-1625
13 laura.vartain@kirkland.com

14 Jessica Davidson (Admitted *Pro Hac Vice*)
15 Christopher D. Cox (Admitted *Pro Hac Vice*)
16 **KIRKLAND & ELLIS LLP**
17 601 Lexington Avenue
18 New York, NY 10022
19 Telephone: (212) 446-4800
20 jessica.davidson@kirkland.com
21 christopher.cox@kirkland.com

22 Allison M. Brown (Admitted *Pro Hac Vice*)
23 **KIRKLAND & ELLIS LLP**
24 2005 Market Street, Suite 1000
25 Philadelphia, PA 19103
26 Telephone: (215) 268-5000
27 alli.brown@kirkland.com

28 *Counsel for Defendants*
UBER TECHNOLOGIES, INC.,
RASIER, LLC, and RASIER-CA, LLC

ATTESTATION

Under Civil Local Rule 5-1(h)(3), I attest that all signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

Dated: November 24, 2025

By: /s/ Laura Vartain Horn